

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

1808

House Bill No. _____

Introduced by Representatives
DIOSDADO MACAPAGAL ARROYO and GLORIA MACAPAGAL ARROYO

AN ACT
TO PROMOTE AGRI-TOURISM IN THE PHILIPPINES AND FOR
OTHER PURPOSES

EXPLANATORY NOTE

Agri-tourism refers to a working farm, ranch, winery, or any agricultural operation being opened for public visitation for their enjoyment, outdoor recreation activities, education, shopping, dining or even lodging. The country's topography is very ideal for agri-tourism and this is precisely what the proposed Bill is seeking to develop.

Agri-tourism has been adopted by a number of States in America which has proven to provide additional opportunities for farmers, farm owners, and producers, to generate additional income. It has also helped increase employment opportunities in the community as well as the revenue of their local government. Further, agri-tourism provides a venue for affordable and easily accessible family outings.

In addition, the proposed Bill gives tax credits to registered agri-tourism activities to help offset the expenses of venturing into agri-tourism. Also, it seeks to provide technical assistance to farmers who wish to enter the agri-tourism business.

In view of the foregoing benefits, the immediate approval of this measure is earnestly sought.


DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur


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Second District, Pampanga

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Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

SECTION 1. *Short Title.* – This Act shall be known as the “Agri-Tourism Promotion Act of 2010.”

SECTION 2. *Definition of Terms.* – As used in this Act, the following terms shall be construed to mean as follows:

(a) “Agri-tourism activity” means any activity carried out on a farm or ranch or in a forest that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historical, cultural, harvest-your-own, or nature-based activities and attractions. An activity is an agri-tourism activity whether or not the participant paid to participate in the activity.

(b) “Agri-tourism professional” means any person who is engaged in the business of providing one or more agri-tourism activities, whether or not for compensation.

(c) "Farm" means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products, including land used to display plants, animals, farm products, or farm equipment to the public.

(d) "Inherent risks of agri-tourism activity" means those dangers or conditions that are an integral part of an agri-tourism activity including certain hazards, including surface and subsurface conditions, natural conditions of land, vegetation, and waters, the behavior of wild or domestic animals, and ordinary dangers of structures or equipment ordinarily used in farming and ranching operations. Inherent risks of agri-tourism activity also include the potential of a participant to act in a negligent manner that may contribute to injury to the participant or others, including failing to follow instructions given by the agri-tourism professional or failing to exercise reasonable caution while engaging in the agri-tourism activity.

(e) "Participant" means any person, other than the agri-tourism professional, who engages in an agri-tourism activity.

(f) "Person" means any individual, fiduciary, firm, association, juridical person, unit of government, or any other group acting as a unit.

SECTION 3. *Provision of Assistance.* – The Department of Agriculture and the Department of Trade and Industry may provide marketing advice, technical expertise, promotional support, and product development related to agri-tourism to assist the Department of Tourism, convention and visitor bureaus, tourist development councils, economic development organizations and local governments in their agri-tourism initiatives. In carrying out this responsibility, both departments shall focus its agri-tourism efforts on rural and urban communities.

SECTION 4. *Impact of agri-tourism in land classification.* - (1) In order to promote and perpetuate agriculture throughout the State, farm operators are encouraged to engage in agri-tourism. The conduct of agri-tourism activity on a bona fide farm or on agricultural lands classified as such shall not limit, restrict, or divest the land of that classification.

(2) Local governments and agricultural representatives shall meet for the purpose of discussing the benefits of agri-tourism to local economies and opportunities for cooperation, conflict resolution, regulatory streamlining, and incentives.

SECTION 5. *Registration of Agri-tourism Operations.* –A voluntary registration process of agri-tourism operations in the Philippines is hereby established to be kept by the Department of Agriculture.

The registration must include a description of the agri-tourism activity/activities conducted and the location of the agri-tourism operation.

There is NO fee for registration and the list will be made available to the public by the Department of Agriculture.

All registered operations will be promoted by the Department of Agriculture and the Department of Tourism in conjunction with all other tourism and rural development promotions.

Registration is valid for five (5) years.

SECTION 6. *Liability of Agri-tourism Professional.* –

(1) Except as provided in subsection (2) of this section, an agri-tourism professional is not liable for injury to or death of a participant resulting from the inherent risks of agri-tourism activities, so long as the warning contained in Section 7 is posted as required. Moreover, except as provided in subsection (2) of this section, no participant or participant's representative can maintain an action against or recover from an agri-tourism professional for injury, loss, damage, or death of the participant resulting exclusively from any of the inherent risks of agri-tourism activities.

(2) Nothing in subsection (1) of this section prevents or limits the liability of an agri-tourism professional if the agri-tourism professional does any one or more of the following:

(a) Commits an act or omission that constitutes negligence or willful or wanton disregard for the safety of the participant, and that act or omission proximately causes injury, damage, or death to the participant.

(b) Has actual knowledge or reasonably should have known of a dangerous condition on the land, facilities, or equipment used in the activity or the dangerous propensity of a particular animal used in such activity and does not make the danger known to the participant, and the danger proximately causes injury, damage, or death to the participant.

(3) Any limitation on legal liability afforded by this section to an agri-tourism professional is in addition to any other limitations of legal liability otherwise provided by law.

SECTION 7. *Warning Signage at Agri-tourism Locations.* -

(1) Every agri-tourism professional must post and maintain signs that contain the warning notice specified in subsection (2) of this section. The sign must be placed in a clearly visible location at the entrance to the agri-tourism location and at the site of the agri-tourism activity. The warning notice must consist of a sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an agri-tourism professional for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agri-tourism activities on or off the location or at the site of the agri-tourism activity, must contain in clearly readable print the warning notice specified in subsection (2) of this section.

Also, all registered operations shall provide to participants a written description of the registered agri-tourism activities upon request. This signage provides that participants are assuming responsibility of any inherent risk provided, however, that this Act does NOT limit the liability for willful or wanton conduct by any agri-tourism operators.

(2) The signs and contracts described in subsection (1) of this section must contain the following notice of warning:

“WARNING:

Under Philippine law, there is no liability for an injury to or death of a participant in an agri-tourism activity conducted at this agri-tourism location if such injury or death results from the inherent risks of the agri-tourism activity. Inherent risks of agri-tourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agri-tourism activity.”

(3) Failure to comply with the requirements concerning warning signs and notices provided in this subsection will prevent an agri-tourism professional from invoking the privileges of immunity provided in this Act.

SECTION 8. *Tax Credit for Agri-tourism Activities.* – The Department of Finance shall be given the task to craft rules and regulations pertaining to the determination of which costs qualify as agri-tourism liability insurance.

The tax credit is an amount equal to 20% of the agri-tourism liability insurance not to exceed P50,000.00 in any tax year.

If the tax credit exceeds the total amount of income taxes owed for that year, the difference can be rolled over to the next tax year.

This tax credit is available from the first five tax years commencing after they open their agri-tourism operation.

The limited liability is afforded to agri-tourism operations that charge for their activities and those that do not charge for their activities, so long as the signage is in place.

SECTION 9. *Injury to Trespassers on Agricultural Land.* – A person or organization owning, controlling, or possessing an interest in agricultural real property, or an agent of such person or organization, shall not be held liable for negligence related to such property that results in the death of, injury to, or damage to a person who has engaged or is engaging in conduct on the property that is unlawful under either Section 11 or Section 12 or unlawful trespassing by such person incident to such conduct on the property.

SECTION 10. *Posting of Signs on Agricultural Lands.* - (1) Signs are placed not more than 500 feet apart along, and at each corner of, the boundaries of the land, upon which signs there appears prominently, in letters of not less than 2 inches in height, the words "No Trespassing" and in addition thereto the name of the owner, lessee, or occupant of said land. Said signs shall be placed along the boundary line of posted land in a manner and in such position as to be clearly noticeable from outside the boundary line; or

(2) Conspicuous no trespassing notice is painted on trees or posts on the property, provided that the notice is:

(a) Painted in an international orange color and displaying the stenciled words "No Trespassing" in letters no less than 2 inches high and 1 inch wide either vertically or horizontally;

(b) Placed so that the bottom of the painted notice is not less than 3 feet from the ground or more than 5 feet from the ground; and

(c) Placed at locations that are readily visible to any person approaching the property and no more than 500 feet apart on agricultural land.

Upon enactment of this Act, when a landowner uses the painted no trespassing posting to identify a "no trespassing" area, those painted notices shall be accompanied by signs complying with subparagraph 1 and placed conspicuously at all places where entry to the property is normally expected or known to occur.

SECTION 11. *Removing of Notices on Agricultural Lands.* – It is unlawful for any person to willfully remove, destroy, mutilate, or commit any act designed to remove, mutilate, or reduce the legibility or effectiveness of any posted notice placed by the owner, tenant, lessee, or occupant of legally enclosed or legally posted land pursuant to any law of the Philippines for the purpose of legally enclosing the same.

Any person violating the provisions of this section shall be guilty of a misdemeanor.

SECTION 12. *Separability Clause.* – If any provision or part thereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 13. *Repealing Clause.* – Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to, or inconsistent with the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 14. *Effectivity Clause.* – This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved,